

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Goozner on 10/19/10.

The application has been amended as follows:

In the specification page 1, line 3, please add --This application is a 35 U.S.C §371 U.S. National Stage Application of International Application No. PCT/FR03/50208, filed on December 23, 2003, claiming priority of France Application No. 02/16627, filed December 24, 2002.--

Claims 28, 36, 41, and 43 are allowed.

The following is an examiner's statement of reasons for allowance: While Cougoulic (US '159) disclose a specific injection molded material {mixture 5; 4:2-5} comprising 80 wt% polyetheretherketone (PEEK), 10 wt% tricalcium phosphate (Ca₃(PO₄)₂), and 10 wt% titanium dioxide (TiO₂) (4:2-5; 4:37-48), and Mills *et al.* (US '584) generally disclose subjecting implants to an oscillation of pressure in the presence of various cleaning solutions in a chamber which permits sonication of the contents {surface pickling} (4: 65-5:14; 8:14-51), the combination of the references fails to disclose the claimed process steps {claims 28 and 41} with sufficient specificity to afford a medical material having a surface provided with crystallized calcium phosphate.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL PEPITONE whose telephone number is (571)270-3299. The examiner can normally be reached on M-F, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Eashoo/
Supervisory Patent Examiner, Art Unit 1767

MFP
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